

AFFIDAVIT

- 1) **AFFIANT/AGENT.** I, Kevin Backes, a Border Patrol Agent of the United States Border Patrol, Customs and Border Protection (USBP/CBP), have been employed by USBP/CBP for 22 years and am currently assigned to the Grand Forks Border Patrol Sector Prosecution Unit.

Your affiant has reason to believe that LOPEZ-Rodriguez, Ruben (DOB: XX/XX/1993), illegally re-entered the United States after being removed, in violation of 8 U.S.C. § 1326(a).

- 2) **ENCOUNTER.** On April 15, 2025, the Pembina, North Dakota Border Patrol Station received a request for assistance from the West Fargo Police Department (WFPD). WFPD had responded to a noise complaint at an apartment complex located at 1104 2nd St. E., in West Fargo, North Dakota. While at the apartment complex, WFPD encountered three subjects that presented identification from the country of Mexico. The three subjects stated they resided in apartments 65 and 73. The three subjects were subsequently released from WFPD custody. WFPD provided photos of the three subjects they had encountered, and two (2) Mexican ID cards presented by the subjects. Immigration record checks were conducted based on the names and dates of birth. No record could be found to indicate any of the subjects were lawfully present in the United States.

On May 5, 2025, agents conducted surveillance of the apartment complex, located at 1104 2nd St. E., in West Fargo, ND. There are multiple buildings at the apartment complex, but apartments 65 and 73 are in the same building. During the surveillance, BPAs Lebow and McIntee were able to observe several subjects that fit the physical description of the subjects encountered by WFPD exit the building from the area of apartments 65 and 73. The observed subjects were picked up by vehicles and departed the apartment complex. One of the vehicles was identified as a white GMC passenger van, bearing Minnesota license plate, MLT 237. A second vehicle was identified as a red passenger van with a North Dakota license plate.

At approximately 4:45 AM on May 5, BPA Lebow observed the white van exit the apartment complex and travel to the Simonson's Gas station on Main Ave near 40th St South and I-29. As BPA Lebow entered the gas station's parking lot, he recognized one of the subjects from the WFPD encounter exit the gas station and enter the white van. BPA Lebow pulled up to a pump to pump gas and noticed there were additional subjects in the van. The van left the station and BPA Lebow broke contact and returned to the apartment complex in West Fargo.

At approximately 5:45 AM BPA McIntee observed several subjects entering the red van and depart the apartment complex. BPAs McIntee and Lebow followed the van to the Circle K gas station at Cheyenne and 7th Street West. BPA McIntee observed several subjects go inside the store. BPA McIntee entered the store and recognized another one of the subjects from the WFPD encounter. Several other subjects left the store and boarded the red van. BPAs Lebow and McIntee then followed the red van to Morris, MN. The van entered an area that appeared to be an office complex that was under construction. The agents then departed the area.

On May 6, 2025, at approximately 4:00 AM, BPAs conducted surveillance at the apartment complex with the assistance of Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE/ERO). At approximately 5:00 AM, ICE/ERO Agent Lee observed the white GMC passenger van bearing Minnesota license plate MLT 237 leaving the apartment complex. As the vehicle exited the complex, it travelled northbound on 2nd Street East. At that time, Supervisory Border Patrol Agent (SBPA) Puppe and BPA Lebow began following the van in a service vehicle. After travelling approximately two blocks, BPA Lebow activated the emergency equipment on his vehicle and initiated a traffic stop on the van. The van came to a stop on 2nd Street East, near the intersection of 4th Avenue East.

SBPA Puppe made contact with the front seat passenger of the vehicle. BPA Lebow made contact with the driver of the vehicle. The Agents identified themselves as United States Border Patrol Agents in both the English and Spanish languages. The front seat passenger responded in the Spanish language, while the driver of the vehicle refused to acknowledge their presence. SBPA Puppe observed additional subjects in the rear compartment of the vehicle sitting on the floor. SBPA Puppe opened the side door, and identified himself again, both in the English and Spanish languages. Five additional subjects were observed laying on the floor of the open area of the vehicle. There were no seats in the rear of the vehicle.

During questioning in the Spanish language, four of the five subjects in the rear of the van admitted to being citizens and nationals of Mexico, illegally present in the United States. One of the five subjects was found to be a United States citizen.

The driver and the passenger were also found to be citizens of Mexico present in the United States illegally.

The United States citizen took possession of the keys to the vehicle. Record checks on MN MLT 237 showed the registered owner as Beverage Wholesalers Inc.

The six subjects were arrested and transported to the Grand Forks Sector Processing Center for processing.

- 3) POST-ARREST INVESTIGATION.** Upon arriving at Grand Forks Sector, the subjects were enrolled into NGI/IDENT, a computerized fingerprint identification system. The NGI/IDENT results returned a match for a subject identified as LOPEZ-Rodriguez, Ruben with criminal and immigration histories.

LOPEZ-Rodriguez is a citizen and national of Mexico.

4) IMMIGRATION HISTORY.

1. Arrest Date: October 30, 2014
Arresting Agency: USBP – Lubbock, TX
Disposition: Voluntary Return to Mexico
2. Arrest Date: December 10, 2014

- Arresting Agency: CBP Eagle Pass, TX Port of Entry
 Charge: Section 212(a)(7)(A)(i)(I) of the INA – Immigrant without an Immigrant Visa
 Disposition: Expedited Removal. Removed to Mexico on December 12, 2014 at Eagle Pass, Texas.
3. Arrest Date: January 28, 2015
 Arresting Agency: USBP Hebbronville, TX
 Charge: Section 212(a)(9)(A)(ii) of the INA – Alien Previously Removed
 Disposition: Processed at the Laredo, TX Processing Center. Reinstatement of Removal. Removed to Mexico on February 26, 2015 at Laredo, TX.

5) CRIMINAL HISTORY.

1. Arrest Date: December 10, 2014
 Agency: CBP Eagle Pass, TX Port of Entry
 Charge: 8 USC 1325(a)(2) – Attempt to Enter by Eluding Inspection
 Disposition: Convicted on December 11, 2014, in US District Court at Del Rio, TX and sentenced to 4 days to serve.
2. Arrest Date: January 28, 2015
 Agency: USBP Laredo, TX
 Charge: 8 USC 1325(a)(1) – Illegal Entry
 Disposition: Convicted on February 2, 2015 in US District Court at Laredo, TX and sentenced to 30 days confinement.

6) MIRANDA RIGHTS & CONSULAR NOTIFICATION. On May 6, 2025, at approximately 8:10 AM, SBPA Subra, witnessed by BPA McIntee notified LOPEZ-Rodriguez of his Miranda Rights in the Spanish language. LOPEZ-Rodriguez stated he understood his rights at that time. At approximately 3:00 PM SBPA Puppe, witnessed by Border Patrol Processing Coordinator Madrigal advised LOPEZ-Rodriguez of his Miranda rights per Service Form I-214. LOPEZ-Rodriguez acknowledged his rights by signing the Service Form I-214 and was willing to answer questions. LOPEZ-Rodriguez admitted he had been removed from the United States two times, and he had not applied for permission to reenter the United States.

SBPA Puppe notified LOPEZ-Rodriguez of his right to consular communication. LOPEZ-Rodriguez did not request to speak with a consular official at that time.

No record could be found to indicate that LOPEZ-Rodriguez has ever applied for or been granted permission to reenter the United States by the Attorney General or by his successor, the Secretary of the Department of Homeland Security.

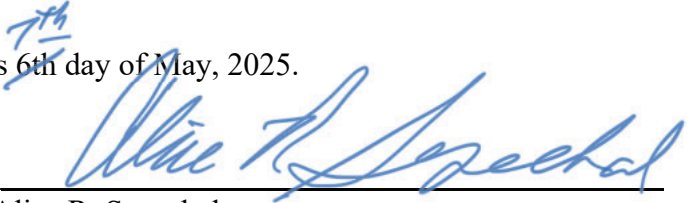
In my training and experience, the above facts constitute a violation of 8 U.S.C. § 1326(a).

The foregoing is true and correct to the best of my knowledge and belief.



Kevin Backes
United States Border Patrol Agent

Sworn to me by reliable electronic means, this ^{7th} 6th day of May, 2025.



Alice R. Senechal
United States Magistrate Judge